

Remarks

Claims 1-13 were pending in the application. Claims 1, 6, 8, and 13 were rejected, claims 2 and 9 were objected to, and claims 3-5, 7, and 10-12 were withdrawn. By this Amendment, claims 1 and 8 have been amended. Reconsideration of the claims is respectfully requested. No new matter has been added.

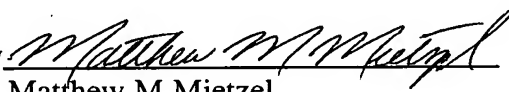
Rejection Under 35 U.S.C. § 102

Claims 1 and 8 were rejected under § 102(b) as being anticipated by U.S. Patent No. 5,746,292 to Tanaka et al. (hereinafter "Tanaka '292"). Claims 1 and 8 have been amended to recite a tuned mass damper having a mass disposed within a hole in a backplate. Tanaka '292 does not disclose a tuned mass damper having a mass disposed within a hole in a backplate. Instead, Tanaka '292 discloses an apparatus having a rod mounted damper (i.e., the elastic body and weight) disposed in the hole in the caliper (column 10, lines 25-27, figure 13). During a phone conversation on December 5, 2003, the Examiner indicated these amendments would overcome the rejection and place the case in condition for allowance. Applicants thank the Examiner for his prompt and courteous feedback regarding this amendment. Since claims 6 and 13 depend on amended claims 1 and 8, respectively, these claims are believed to be allowable for the same reasons.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,
Ronald Louis Quaglia et al.

By 
Matthew M Mietzel
Reg. No. 46,929
Attorney/Agent for Applicant

Date: December 5, 2003

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351